

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:12-00170

VERNON PETERS, III

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On June 14, 2017, the United States of America appeared by Monica D. Coleman, Assistant United States Attorney, and the defendant, Vernon Peters, III, appeared in person and by his counsel, Gerald M. Titus, III, for a hearing on the petition on supervised release and amendment thereto submitted by United States Probation Officer Asa M. Gravley. The defendant commenced a three-year term of supervised release in this action on December 28, 2015, as more fully set forth in the Judgment Including Sentence Under the Sentencing Reform Act entered by the court on September 16, 2013.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of supervised release in the following respects: (1) the defendant used and possessed controlled substances as evidenced by a positive urine specimen submitted by him on June 13, 2016, for oxycodone, the defendant having admitted to the probation officer that he used Percocet on June 12, 2016; a positive urine specimen submitted by him on August 8, 2016, for oxycodone, the defendant having admitted to the probation officer that he ingested Percocet on August 1, 2016; his admission to the probation officer on February 23, 2017, that he smoked marijuana two weeks prior on four occasions, that he consumed alcohol to excess five times per week for the previous 45 days and that he ingested LSD on an occasion during the month of December 2016; his admission to the probation officer on March 27, 2017, that he nasally inhaled "speed" on two occasions on March 12, 2017, while at an inpatient substance abuse treatment facility; and a positive urine specimen submitted by him on May 17, 2017, for methamphetamine and cocaine, the defendant having admitted to the probation officer that he nasally inhaled cocaine and methamphetamine on May 14, 2017, and smoking marijuana two weeks prior; (2) the defendant failed to report to the probation

officer as directed on December 14 and 19, 2016, and February 14, 2017; (3) the defendant failed to appear for random urinalysis as directed by the probation officer on January 13, February 3 and 17, 2017; and (4) the defendant failed to complete a 90-day inpatient substance abuse treatment program as directed by the probation officer inasmuch as he entered the program on March 7, 2017, and left the program on March 19, 2017; all as admitted by the defendant on the record of the hearing and all as set forth in the petition on supervised release.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

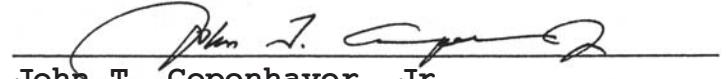
And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant should be confined to the extent set forth below, it is accordingly ORDERED that the

defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of SIX (6) MONTHS, to be followed by a term of thirty (30) months of supervised release upon the standard conditions of supervised release now in effect in this district as promulgated by the Administrative Office of the United States Courts (National Form AO 245B), the standard conditions as set forth in Local Rule 32.3 and the special condition that he participate in the 9 to 12 month inpatient drug treatment program at Recovery Point/Four Seasons in Bluefield, West Virginia, commencing immediately upon release from imprisonment where he shall follow the rules and regulations of the facility, and participate in drug abuse counseling and treatment as directed by the program and the probation officer. The defendant shall report directly from his place of incarceration to the Recovery Point/Four Seasons program, with transportation to be provided by his sister or grandmother. The defendant shall also abide by the special conditions that he participate in mental health counseling and treatment as directed by the probation officer and abstain from the use of alcohol.

The defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: June 23, 2017


John T. Copenhaver, Jr.
United States District Judge